

- (c) The requirements in IBC Appendix C may be applied to certain agricultural buildings, as specified in s. Comm 62.3600 (2), in lieu of corresponding, otherwise applicable requirements of this code.

Note: Under IBC Section 102.4, where differences occur between the requirements of this code and referenced codes or standards, the requirements of this code apply.

- (3) Department authority.** Pursuant to s. 101.02 (1), Stats., the department reserves the right to interpret the requirements in this chapter and in all adopted codes and standards.

Note: Section 101.02 (1), Stats., reads as follows: “The department shall adopt reasonable and proper rules and regulations relative to the exercise of its powers and authorities and proper rules to govern its proceedings and to regulate the mode and manner of all investigations and hearings.”

(4) Local ordinances.

- (a) 1. Except as provided in par. (b), pursuant to s. 101.02 (7), Stats., a city, village, town or local board of health may enact and enforce additional or more restrictive standards for public buildings and places of employment, provided the standards do not conflict with this code.
2. Nothing in this code affects the authority of a municipality to enact and enforce standards relative to land use, zoning or regulations under ss. 59.69, 60.61, 60.62, 61.35 and 62.23 (7), Stats.
- (b) 1. Pursuant to s. 101.02 (7m), Stats., a city, village, town or county may not enact and enforce additional or more restrictive standards for multifamily dwellings, except as provided under 101.975, Stats., and that do not conflict with this code.
2. Under subch. VI of ch. 101, Stats., only a municipality with a preexisting stricter sprinkler ordinance as specified under s. 101.975 (3), Stats., may enact an ordinance requiring the automatic fire sprinkler system protection or 2-hour fire resistance specified in s. 101.14 (4m) (d) and (e), Stats. Under s. 101.14 (4m) (am), Stats., no municipality may enact an ordinance specifying thresholds for sprinkler protection or fire resistance that differ from s. Comm 62.0903 or s. 101.14 (4m) (d) and (e), Stats. Specifying the thresholds in s. 101.14 (4m) (d) and (e) does not enable a municipality to depart from any other criteria or procedure in this code.

Note: See Appendix A for a tabular listing of the thresholds in s. 101.14 (4m) (d) and (e), Stats., and for a listing of the municipalities that the department believes have a preexisting stricter sprinkler ordinance.

3. This code does not affect municipal requirements contained in a “preexisting stricter sprinkler ordinance,” as provided in s. 101.975 (3), Stats.

Note: Section 101.975 (3), Stats., reads: In this subsection, “preexisting stricter sprinkler ordinance” means an ordinance that fulfills all of the following requirements:

1. The ordinance requires an automatic sprinkler system in multifamily dwellings containing 20 or less attached dwelling units.
2. The ordinance was in effect on January 1, 1992, and remains in effect on May 1, 1992.
3. The ordinance does not conform to this subchapter and s. 101.02 (7m) or is contrary to an order of the department under subch. I.

4. The ordinance is more stringent than the corresponding provision of this subchapter or s. 101.02 or the contrary provision of an order of the department under subch. I.

If a political subdivision has a preexisting stricter sprinkler ordinance, that ordinance remains in effect, except that the political subdivision may amend the ordinance to conform to this subchapter and s. 101.02 (7m) and to be not contrary to an order of the department under ss. 101.01 to 101.25.

4. Any municipality exercising or intending to exercise jurisdiction under this code may apply to the department for a variance permitting the municipality to adopt an ordinance pertaining to multifamily dwellings not in conformance with this code. The department shall review and make a determination on a municipal request under this section within 60 business days of receipt of the request.

5. a. The department may grant a municipal variance only where all of the conditions in subds. 5. b. and c. are demonstrated.

b. The municipality demonstrates that the variance is necessary to protect the health, safety, and welfare of individuals within the municipality because of specific climate or soil conditions generally existing within the municipality.

c. The municipality demonstrates that the granting of the variance, when viewed both individually and in conjunction with other variances requested by the municipality, does not impair the statewide uniformity of this code.

d. Prior to making a determination on a municipal variance, the department shall solicit within the municipality and consider the statements of any interested persons as to whether the variance should be granted.

e. This subdivision shall be strictly construed in accordance with the goal of promoting statewide uniformity.

- (5) Alternatives.** Nothing in this code is intended to prohibit or discourage the design and utilization of new building products, systems, or components provided written approval from the department is obtained first.

- (6) New buildings and structures.** Buildings, structures and additions to buildings, structures and components, to be constructed or erected on or after the effective dates of the rules under this code shall be designed, constructed and maintained in accordance with the rules of this code as these rules exist on one of the following:

- (a) Pursuant to s. Comm 61.30, the date plans for the building, structure or addition are approved by the department or authorized representative.

- (b) The date the local building permit is issued, if plan submission and approval is not required under s. Comm 61.30.

- (c) The date construction is initiated, where parts. (a) and (b) do not apply.

- (7) Alterations.** Those portions, elements, systems or components of existing buildings and structures to be altered or modified on or after the effective dates of the

rules under this code and where the alteration or the modification affects a building element or component relating to subject matters regulated by this code, shall be designed, constructed and maintained in accordance with the applicable rules of this code as the rules exist on one of the following:

- (a) Pursuant to s. Comm 61.30, the date plans for the alteration or modification are approved by the department or authorized representative.
 - (b) The date the local building permit is issued, if plan submission and approval is not required under s. Comm 61.30.
 - (c) The date the alteration is initiated, where parts. (a) and (b) do not apply.
- (8) Replacements.** Those building systems or components of existing buildings and structures to be replaced on or after the effective dates of the rules under this code and where the replacement involves a building element or component relating to subject matters regulated by this code shall conform and be maintained in accordance with the applicable rules of this code as these rules exist on either one of the following:
- (a) Pursuant to s. Comm 61.30, the date plans for the replacement are approved by the department or authorized representative.
 - (b) The date the local building permit is issued, if plan submission and approval is not required under s. Comm 61.30.
 - (c) The date the replacement is initiated, where parts. (a) and (b) do not apply.
- (9) Repairs.** Those portions, elements, systems or components of existing buildings and structures repaired on or after the effective dates of the rules under this code shall conform and be maintained in accordance with the standards of this code as these standards exist on one of the following:
- (a) The date plans for that portion, element, system or component was approved by the department or authorized representative.
 - (b) The date the local building permit was issued for that portion, element, system or component, if plan submission and approval was not required.
 - (c) The date construction was initiated for that portion, element, system or component, where parts. (a) and (b) do not apply.
 - (d) The date repair is initiated.

(10) Change of occupancy or use.

- (a) Except as provided in par. (b), no change may be made in the use or occupancy of any building or structure, or any space within a building or structure, that would place the building, structure or space either in a different division of the same group of occupancies or in a different group of occupancies, unless the building, structure or space complies with this code's requirements for the new

division or group of occupancies, as these requirements exist on one of the following dates:

- 1. Pursuant to s. Comm 61.30, the date when plans for the change in occupancy or use are approved by the department or authorized representative.
 - 2. The date a local building permit is issued, if plan submittal and approval is not required under s. Comm 61.30.
 - 3. The date construction is initiated, where subds. 1 and 2 do not apply.
- (b) This subsection does not apply to a temporary use approved under sub. (11), or to a new use that will be less hazardous, based on life and fire risk, than an existing use.
- (11) Temporary use.** A municipal fire or building code official may allow a building or a portion of a building to be used temporarily in a manner that differs from the approved use for the building or space, or may approve a temporary building to be used by the public, subject to all of the following provisions:
- (a) The official shall determine the time frame within which the temporary use is permitted, based on the extent hazards are created by the temporary use. This time frame may not exceed 180 days, except the official may grant extensions for demonstrated cause.
 - (b) Except as provided in par. (c), buildings or spaces considered for temporary use shall conform to the requirements of this code as necessary to ensure the public safety, health and general welfare.
 - (c) The official may require additional safety requirements for a temporary use as a tradeoff for any safety provisions that may be lacking.
 - (d) The official may terminate the approval for a temporary use at any time and order immediate discontinuance of the use or complete evacuation of the building or space.
- (12) Existing buildings and structures.** Unless otherwise specifically stated in this code, an existing building or structure, and every element, system, or component of an existing building or structure shall be maintained to conform with the building code requirements that applied when the building, structure, element, system, or component was constructed, and to conform with ch. Comm 14 wherever applicable.
- (13) International fire code.**
- (a) The IFC, as referenced by the codes adopted under s. Comm 61.05, does not apply except as follows:
 - 1. Design and construction-related requirements shall apply that are addressed in IFC section 102.6; IFC chapters 2 to 4; IFC sections 501 to 502 and 504 to 510; IFC sections 601 to 605 and 607 to 609; IFC chapters 7 and 8; IFC sections 901.1 to 901.4.2, 901.4.4 to 909.18.9, and 909.20 to 913; and IFC chapters 10, 12 to 21, 23 to 29, 31, 32, 36, 37, and 39 to 44.

them to perform engineering in the design, assembly, manufacture, sale or installation of their respective products.

- (8) The following persons doing surveying work are exempt from the provisions of this chapter:
 - (a) An employee of a land surveyor registered in this state or authorized to practice under a permit, while working under the supervision of the employer. Such exempt employee shall not be in responsible charge of land surveying.
 - (b) Officers and employees of the federal government while engaged in land surveying for the federal government.
 - (c) Employees of this state while engaged in land surveying for the state.
 - (d) Employees of public utilities regulated by the public service commission in land surveying for such utilities.
- (9) A license shall not be required for an owner to survey his or her own land for purposes other than for sale.
- (10) Any person employed by a county or this state who is engaged in the planning, design, installation or regulation of land and water conservation activities under ch. 92 or s. 281.65 and who is certified under s. 92.18.
- (11) Any land surveyor registered under s. 443.06 who is engaged in the planning, design, installation or regulation of land and water conservation activities under ch. 92 or s. 281.65.
- (12) A well driller, as defined in s. 280.01 (7), who is engaged in well drilling, as defined in s. 280.01 (8).
- (13) A professional engineer who, while engaged in the practice of professional engineering in accordance with this chapter, collects, investigates, interprets or evaluates data relating to soil, rock, groundwater, surface water, gases or other earth conditions, or uses that data for analysis, consultation, planning, design or construction.
- (14) A person who, while engaged in the practice of professional geology, hydrology or soil science as defined in s. 470.01 (2), (3) or (4), practices professional engineering, if the acts that involve the practice of professional engineering are also part of the practice of professional geology, hydrology or soil science.

443.15 Exempt buildings.

- (1) Nothing in this chapter prevents any person from advertising and performing services, including consultation, investigation, evaluation, in connection with and making plans and specifications for, or supervising the erection, enlargement or alterations of any of the following buildings:
 - (a) Dwellings for single families, and outbuildings in connection with single-family dwellings, including, but not limited to, barns and private garages.
 - (b) Apartment buildings used exclusively as the residence of not more than two families.
 - (c) Buildings used exclusively for agricultural purposes.
 - (d) Temporary buildings or sheds used exclusively for construction purposes, not exceeding two stories in height, and not used for living quarters.
- (2) Nothing in this chapter prevents any person, firm or corporation from making plans and specifications for or supervising the erection, enlargement or alteration of any new building containing less than 50,000 cubic feet total volume or addition to a building which by reason of such addition results in a building containing less than 50,000 cubic feet total volume or structural alteration to a building containing less than 50,000 cubic feet total volume. Nothing in this chapter prevents any person, firm or corporation from making repairs or interior alterations to buildings which do not affect health or safety.
- (3) Any multiple-family building having a common roof and party walls shall be deemed a single building for purposes of this section.
- (4) This section does not apply to inspection and service work done by employees of insurance rating bureaus, insurance service bureaus, insurance companies or insurance agents.

Comm 61.21 Appeals.

- (1) **Appeal of department order.** Pursuant to s. 101.02 (6) (e), Stats., any person who owns or occupies a property that is affected by an order of the department may petition

the department for a hearing on the reasonableness of the order.

- (2) **Appeal of local order.** Pursuant to s. 101.02 (7) (b), Stats., any person affected by a local order that is in conflict with an order of the department may petition the department for a hearing.

Note: Section 101.01 (8), Stats., defines “local order” as any ordinance, order, rule or determination of any common council, board of alderpersons, board of trustees or the village board, of any village or city, or the board of health of any municipality, or an order or direction of any official of such municipality, upon any matter over which the department has jurisdiction.

Section 101.02 (7) (c) reads: “Upon receipt of such petition the department shall order a hearing thereon, to consider and determine the issues raised by such appeal, such hearing to be held in the village, city or municipality where the local order appealed from was made. Notice of the time and place of such hearing shall be given to the petitioner and such other persons as the department may find directly interested in such decision, including the clerk of the municipality or town from which such appeal comes. If upon such investigation it shall be found that the local order appealed from is unreasonable and in conflict with the order of the department, the department may modify its order and shall substitute for the local order appealed from such order as shall be reasonable and legal in the premises, and thereafter the said local order shall, in such particulars, be void and of no effect.”

- (3) **Contested case hearing.** In addition to any other right provided by law, any interested person may file a written request for a contested case hearing, as specified in s. 227.42, Stats.
- (4) **Petition of administrative rule.** Pursuant to s. 227.12, Stats., any municipality, corporation or any 5 or more persons having an interest in an administrative rule may petition the department requesting the adoption, amendment or repeal of the rule.

Comm 61.22 Petition for variance. The department shall consider and may grant a variance to a provision of this code in accordance with ch. Comm 3. The petition for variance shall include, where applicable, a position statement from the fire department having jurisdiction.

Note: Chapter Comm 3 requires the submittal of a petition for variance form (SBD-9890) and a fee, and that an equivalency is established in the petition for variance which meets the intent of the rule being petitioned. Chapter Comm 3 also requires the department to process regular petitions within 30 business days and priority petitions within 10 business days.

Note: The department forms required in this chapter are available from the Safety and Buildings Division at P.O. Box 7162, Madison, WI 53707-7162, or at telephone (608) 266-3151 and (608) 264-8777 (TTY), or at the Safety and Buildings’ web site at www.commerce.state.wi.us.

Comm 61.23 Penalties. Penalties for violations shall be assessed in accordance with ss. 101.02 (12) and (13) (a), and 101.978, Stats.

Note: Section 101.02 (13) (a), Stats., indicates penalties will be assessed against any employer, employee, owner or other person who fails or refuses to perform any duty lawfully enjoined, within the time prescribed by the department, for which no penalty has been specifically provided, or who fails, neglects or refuses to comply with any lawful order made by the department, or any judgment or decree made by any court in connection with ss. 101.01 to 101.25. For each such violation, failure or refusal, such employee, owner or other person must forfeit and pay into the state treasury a sum not less than \$10 nor more than \$100 for each violation.

Note: Section 101.02 (12), Stats., indicates that every day during which any person, persons, corporation or any officer, agent or employee thereof, fails to observe and comply with an order of the department will constitute a separate and distinct violation of such order.

Note: Section 101.978, Stats., reads, “Any person who violates this subchapter or any rules promulgated under this subchapter shall forfeit not less than \$25 nor more than \$500 for each offense. Each day of continued violation constitutes a separate offense.”

SUBCHAPTER III PLAN REVIEW AND RELATED FUNCTIONS

Comm 61.30 Plan review and approval.

(1) Types of buildings.

- (a) Except as provided in par. (b), the construction of, the alteration of or the addition to a public building or a place of employment may not commence unless plans for the project have been submitted to and approved by department or its authorized representative in accordance with s. Comm 61.31.
- (b) 1. Plans for the types of public buildings and places of employment and components thereof delineated in Table 61.30-1 do not need to be submitted and approved by the department or authorized representative.

Note: The exemption under par. (b) for not having to submit and obtain prior approval from the department for specific building projects does not waive the obligation for these type of projects to conform to the standards of this code.

Note: The exemption under par. (b) for not having to submit and obtain prior approval from the department for specific building projects does not prohibit a municipality from requiring the submission, review and approval of plans by the municipality nor does it supercede the necessity of obtaining local building permits prior to the commencement of the project.

**Table 61.30-1
Buildings Exempt from Plan Review**

Building Type or Occupancy	Building Description
Assembly Group A-2	Containing less than 25,000 cubic feet in volume
Business Group B	
Factory Group F	
Mercantile Group M	
Storage Group S	
Utility and Miscellaneous Group U	

2. Plans for the types of public buildings and places of employment and components thereof delineated in Table 61.30-2 do not need to be submitted and approved by the department or authorized representative provided all of the following conditions are met:

- a. The building or the component thereof is designed by a registered individual under ch. 443, Stats.
 - b. The project is supervised by an individual in accordance with s. Comm 61.50.
3. a. Where the exemption in subd. 2. is elected, a notice shall be filed with the department or its authorized representative prior to commencement of the project, that identifies the building location, the name and address of the building owner, and the name and Wisconsin registration number for the designer and supervising professional.
- b. Where the exemption in subd. 2. is elected, the architect, engineer, designer, or owner shall keep at the building site one set of construction documents for the project. The construction documents shall be open to inspection by the department, its authorized representative or the municipality.

**Table 61.30-2
Buildings Exempt from Plan Review if Registered**

Building Type or Occupancy	Building Description
Assembly Group A-2	Containing 25,000 to less than 50,000 cubic feet in volume
Business Group B	
Factory Group F	
Mercantile Group M	
Storage Group S	
Utility and Miscellaneous Group U	Containing less than 25,000 cubic feet in volume
Assembly Group A-1, A-3, A-4, A-5	
Educational Group E	
High Hazard Group H	
Residential Group R	

(2) Types of structures. Plans for all of the following types of structures shall be submitted and approved by the department or authorized representative prior to commencement of the project:

- (a) Assembly seating facilities to be located within a public building or place of employment.
- (b) Assembly seating facilities more than 5 rows in height and not located within a public building or place of employment.
- (c) Public mausoleum structures.

Note: Section 157.061 (9), Stats., reads as follows: “ ‘Mausoleum’ means a building, structure or part of a building or structure that is used or intended to be used for the burial of human remains.”

(3) Types of building components. If the construction of, the alteration of or the addition to a public building or a place of employment involves a type of building component or system delineated in Table 61.30-3, the plans under sub. (1) (a) shall include, or separate plans for the component or system, shall be submitted and approved by the department or authorized representative prior to installation of the component.

Comm 61.31 Plans.

(1) Signing and sealing.

- (a) Except as provided in par. (b), construction documents submitted to the department or its authorized representative for review shall be prepared, signed and sealed in accordance with ch. 443, Stats., and s. A-E 2.02.
- (b) Sprinkler construction documents that are required by s. Comm 61.34 (1) to be at an installation site shall comply with one of the following:
 1. Be signed and sealed in accordance with s. A-E 2.02 by an architect, engineer or fire protection systems designer who is registered by the department of regulation and licensing.
 2. Be signed, including license number, and dated by an automatic fire sprinkler contractor who is responsible for the installation of the sprinklers and who is licensed by the department of commerce.

Note: Pursuant to s. A-E 2.02 (4) and (5) read:

tion of any responsibility on the part of the department for the design or construction of the project.

Comm 61.38 Construction documents for fire apparatus access. Where required by a fire department, construction documents for proposed fire apparatus access, location of fire lanes and construction documents and hydraulic calculations for fire hydrant systems shall be submitted to the fire department for review and approval prior to construction.

Comm 61.39 Registration of cross connection control devices. Cross connection control devices to be installed in water-based fire protection systems shall be registered with the department in accordance with ch. Comm 82.

SUBCHAPTER IV MULTIFAMILY BUILDING PERMITS

Comm 61.40 Wisconsin uniform multifamily building permit.

- (1) **General.** A building owner or authorized agent shall obtain a Wisconsin uniform multifamily building permit from the municipality administering and enforcing this code before any on-site construction of a multifamily dwelling is commenced, including excavation for a building, except where a permit to start construction has been issued under s. Comm 61.32
- (2) **Sanitary permit.** Pursuant to s. 66.036, Stats., if the proposed construction requires connection to a private on-site wastewater treatment system, a Wisconsin uniform multifamily building permit may not be issued unless conformance to s. Comm 83.25 (2) has first been determined.
- (3) **Application for a Wisconsin uniform multifamily building permit.** Application for a Wisconsin uniform multifamily building permit shall be on a form obtained from the department or on a form obtained from the municipality administering and enforcing this code. Forms provided by the municipality shall include all the information prescribed by the department. No application may be accepted that does not contain all the information requested on the form.

Note: The department forms required in this chapter are available from the Safety and Buildings Division at P.O. Box 7162, Madison, WI 53707-7162, or at telephone 608/266-3151 and 608/264-8777 (TTY), or at the Safety and Buildings' web site at www.commerce.state.wi.us.

Note: Section 101.973 (5) requires the department to collect and publish data secured from multifamily building permits.

Note: Any municipality exercising jurisdiction may require reasonable supplementary information not contained on the Wisconsin multifamily building permit application.

- (4) **Filing of a Wisconsin uniform multifamily building permit application.** A Wisconsin uniform multifamily building permit application shall be filed with a municipality administering and enforcing this code under ss. Comm 61.60 or 61.61 or with a representative that the municipality has authorized to receive the application.
- (5) **Permit fees.** The municipality shall by ordinance determine fees to cover expenses for issuance of the Wisconsin uniform multifamily building permit. Fees shall be submitted to the municipality when a Wisconsin uniform multifamily building permit application is filed there.

- (6) **Issuance of permits.** A Wisconsin uniform multifamily building permit shall be issued if the department and municipal requirements for filing and fees are satisfied and the plans have been conditionally approved. The municipality may require a building permit card to be posted in a conspicuous place at the dwelling site. The permit shall expire 2 years after issuance if the dwelling exterior has not been completed, unless the permit has been extended by the municipality or the department for a period of up to 2 years. A municipality issuing the permit shall either send a copy of the application to the department or tally and transfer the data to the department in either written or electronic-based format.
- (7) **Action to approve or deny.** Action to approve or deny a uniform multifamily building permit application shall be completed within 15 business days of receipt of all forms, fees, plans, and documents required to process the application. Denied applications shall include a written statement specifying the reasons for denial.
- (8) **Suspension or revocation of permit.** The department or the municipality administering and enforcing this chapter may suspend or revoke any Wisconsin uniform multifamily building permit if it appears that the permit or plan approval was obtained through fraud or deceit, where the applicant has willfully refused to correct a violation order issued under s. Comm 61.51, or where the inspector is denied access to the premises. No construction may take place on a multifamily dwelling after suspension or revocation of a permit.

SUBCHAPTER V SUPERVISION AND INSPECTIONS

Comm 61.50 Supervision.

- (1) **General.**
 - (a) Except as provided in par. (b), the proposed construction of a project within the scope of this code shall be supervised by a Wisconsin-registered architect or engineer, except that a Wisconsin-registered designer may supervise the installation of heating, ventilating and air-conditioning systems, fire protection systems and illumination systems. The person responsible for supervision shall also be responsible for the construction and installation being in substantial compliance with the approved plans and specifications. If the supervising architect, engineer or designer is confronted with noncompliance with the code during or at the end of construction, that party, together with the designing architect, engineer or designer shall effect compliance or shall notify the department of the noncompliance.
 - (b) 1. Except as provided in s. Comm 61.30 (1) (b) 2. b., a project does not require supervision by a Wisconsin-registered architect or engineer, if the project qualifies under one of the following conditions:
 - a. The building contains less than 50,000 cubic feet total volume.

- b. An addition to an existing building does not cause the entire building to contain or exceed a volume of 50,000 cubic feet.
- 2. For the purposes of this paragraph, the utilization of fire walls to divide up a building does not create separate buildings.
- (2) **Duties.** Supervision of construction is a professional service (as distinguished from superintending of construction by a contractor), and means the performance, or the supervision thereof, of reasonable on-the-site observations to determine that the construction is in substantial compliance with the approved plans and specifications.
- (3) **Name of supervising architect, engineer or designer.** Prior to the start of construction, the owner of the building or structure shall designate in writing to the authority that issued plan approval the name and Wisconsin registration number of the architect, engineer or designer retained to supervise construction of the building or structure.
- (4) **Compliance statement.** Prior to initial occupancy of a new building or addition, and prior to final occupancy of an alteration of an existing building, the supervising architect, engineer or designer shall file a written statement with the authority that issued plan approval certifying that, to the best of his or her knowledge and belief, construction of the portion to be occupied has been performed in substantial compliance with the approved plans and specifications. This statement shall be provided on a form prescribed by the department.

Note: The department forms required in this chapter are available from the Safety and Buildings Division at P.O. Box 7162, Madison, WI 53707-7162, or at telephone (608) 266-3151 and (608) 264-8777 (TTY), or at the Safety and Buildings' web site at www.commerce.state.wi.us.

Comm 61.51 Inspections.

- (1) **On-site.** On-site inspections shall be conducted by an authorized representative of the department to determine whether or not the construction or installations conform to the conditionally approved plans, the conditional approval letter, and this code.
- (2) **In-plant.**
 - (a) **General.** Manufacturers of manufactured buildings shall contract with the department or an independent inspection agency to conduct in-plant inspections to ensure that the manufactured buildings are in compliance with the plans approved by the department. All inspections shall be performed by a certified commercial building inspector.
 - (b) **Wisconsin insignia for manufactured buildings.** Pursuant to s. 101.75, Stats., a Wisconsin insignia shall be installed on a manufactured dwelling unit approved by the department and inspected at the manufacturing plant. Each Wisconsin insignia shall be assigned and affixed to a specific manufactured multifamily dwelling, in the manner approved by the department, before the dwelling is shipped from the manufacturing plant. The serial number shall be located on the manufacturer's data plate.
 - (c) **Manufacturer's responsibilities.**

- 1. 'Insignia records.' The manufacturer shall keep permanent records regarding the handling of all Wisconsin insignias indicating the number of Wisconsin insignias which have been affixed to manufactured buildings, building components, or groups of components; which Wisconsin insignias have been applied to which manufactured building or building component; and the disposition of any damaged or rejected Wisconsin insignias. The records shall be maintained by the manufacturer or by the independent inspection agency for at least 10 years. A copy of the records shall be sent to the department upon request.
- 2. 'Lost or damaged insignia.'
 - a. If Wisconsin insignias become lost or damaged, the department shall be notified immediately in writing by the manufacturer or dealer.
 - b. If a Wisconsin insignia becomes damaged, the insignia shall be returned to the department with the fee specified in ch. Comm 2 to obtain a new insignia.

(d) Insignia suspension and revocation.

- 1. The department may suspend or revoke its approval if it determines that the standards for the construction or manufacture and installation of a manufactured building do not meet this code, or if such standards are not being enforced as required by this chapter.
- 2. Upon suspension or revocation of the approval, no further insignias may be attached to any manufactured building or type of manufactured building with respect to which the approval was suspended or revoked.
- 3. Upon suspension or revocation of the approval, all insignias allocated to the manufacturer shall be returned to the department no later than 30 days from the effective date of the suspension or revocation.
- (3) **Public mausoleum.** Within 30 days after receiving written notice from a cemetery authority that the construction or conversion of a public mausoleum has been completed, the department or authorized representative shall inspect the public mausoleum and provide written notification of violations. Except as provided in s. 157.12 (2) (b), Stats., public mausoleum spaces may not be sold prior to approval by the department or its authorized representative.

Note: Sale of public mausoleum spaces is permitted prior to departmental approval in accordance with the requirements of the department of regulation and licensing.

SUBCHAPTER VI PRODUCT AND STANDARD REVIEW AND APPROVAL

Comm 61.60 Building product approvals.

- (1) **Voluntary approval.**

- (a) Materials, equipment and products regulated by this code may receive a written approval from the department indicating code compliance.
- (b) 1. Approval of materials, equipment, and products shall be based on sufficient data, tests and other evidence that prove the material, equipment or product is in compliance with the standards specified in this code.
2. Tests, compilation of data, and calculations shall be conducted by a qualified, independent third party.

(2) Alternate approval.

- (a) Materials, equipment, and products that meet the intent of this code and which are not approved under sub. (1) shall be permitted if approved in writing by the department.
- (b) 1. Approval of materials, equipment, and products shall be based on sufficient data, tests and other evidence that prove the material, equipment or product meets the intent of the standards specified in this code.
2. Tests, compilation of data, and calculations shall be conducted by a qualified, independent third party.

(3) Experimental approval.

- (a) The department may allow use of an experimental material, equipment or product for the purpose of proving compliance with the intent of this code.
- (b) The department may require the submission of any information deemed necessary for review.
- (c) The department may limit the number of applications it will accept for approval of experimental materials, equipment or products.
- (d) Installations of a material, equipment or product under an experimental approval shall comply with all of the following:
 - 1. Plans detailing the installation for each project where the experimental material, equipment or product is to be used shall be submitted to the department in accordance with s. Comm 61.31.
 - 2. A copy of the experimental approval shall be attached to the submitted plans and approved plans.
 - 3. a. A letter of consent from the owner of the project shall be attached to the submitted plans and approved plans.
b. The letter shall acknowledge that the owner has received and read a copy of the experimental approval and is in compliance with all conditions of the approval.
 - 4. If a supervising professional is not required for the project by s. Comm 61.50, a person responsible for construction of the project shall be designated in writing by the owner.
 - 5. The supervising professional or person designated as responsible for the construction of the project shall, upon completion of con-

struction, certify in writing to the department that the installation is in compliance with the experimental approval, approved plans, specifications and data.

- (e) 1. Any on-site inspections shall be performed by the department, or other person approved by the department, at time intervals as specified by the department, but not less than once a year. An inspection report shall be written.
2. The department may assess a fee for each inspection.
- (f) Five years and 6 months after the date of the completed installation, the department shall order the removal of the experimental material, equipment or product, or issue an approval for the material, equipment or product.
- (g) Paragraphs (e) and (f) do not apply to an experimental system if this code is revised to include or enable the experimental system to conform to the intent of this code.

(4) Review, approval and revocation processes.

- (a) 1. Upon receipt of a fee and a written request, the department may issue an approval for a material, equipment or product.
2. The department shall review and make a determination on an application for approval after receipt of all forms, fees, plans and information required to complete the review.
3. For voluntary and alternate approvals, a determination shall be made within 40 business days of receipt of all required materials.
4. For an experimental approval, the determination shall be made within 6 months of receipt of all required materials.
- (b) 1. The department may include specific conditions in issuing an approval, including an expiration date for the approval.
2. Violations of the conditions under which an approval is issued shall constitute a violation of this code.
- (c) If the department determines that the material, equipment or product does not comply with this code or the intent of this code, or that an experimental approval will not be issued, the request for approval shall be denied in writing.
- (d) If an approved material, equipment or product is modified, the approval shall be considered null and void, unless the material, equipment or product is resubmitted to the department for review and approval is granted.
- (e) 1. The department may revoke or deny an approval for any false statements or misrepresentations of relevant facts or data, unacceptability of a third party that provided any information on which the approval was based, or as a result of material, equipment or product failure.

2. The department may reexamine an approved material, equipment or product and issue a revised approval at any time.

- (f) The department may revoke an approval if the department determines that the material, equipment or product does not comply with either this code or the intent of this code due to a change in the code or department interpretation of the code.
- (g) An approval issued by the department may not be construed as an assumption of any responsibility for defects in design, construction or performance of the approved material, equipment or product nor for any damages that may result.
- (h) Fees for the review of a material, equipment or product under this section and any on-site inspections shall be submitted in accordance with ch. Comm 2.

(5) Ungraded or used products.

- (a) 1. Except as provided in subd. 2, ungraded or used building products may be used or reused as long as the materials possess the essential properties necessary to achieve the level of performance required by this code for the intended use.
2. Ungraded or used products may not be utilized, if specifically prohibited under a specific referenced standard.
- (b) The department or the municipality enforcing this code may require tests in accordance with subs. (1) or (2). Approval for use of ungraded or used materials may be issued under this section or may be issued for a specific project under s. Comm 61.31.

Comm 61.61 Alternate standards.

- (1) Alternate standards that are equivalent to or more stringent than the standards referenced in this code may be used in lieu of the referenced standards when approved by the department or if written approval is issued by the department in accordance with sub. (2).
- (2) (a) Upon receipt of a fee and a written request, the department may issue an approval for the use of the alternate standard.
(b) The department shall review and make a determination on an application for approval within 40 business days of receipt of all forms, fees and documents required to complete the review.
- (3) Determination of approval shall be based on an analysis of the alternate standard and the standard referenced in this code, prepared by a qualified, independent third party or the organization that published the standard contained in this code.
- (4) The department may include specific conditions in issuing an approval, including an expiration date for the approval. Violations of the conditions under which an approval is issued shall constitute a violation of this code.
- (5) If the department determines that the alternate standard is not equivalent to or more stringent than the referenced standard, the request for approval shall be denied in writing.

- (6) The department may revoke an approval for any false statements or misrepresentations of facts on which the approval was based.
- (7) The department may reexamine an approved alternate standard and issue a revised approval at any time.

**SUBCHAPTER VII
FIRST CLASS CITY AND CERTIFIED
MUNICIPALITY APPROVALS**

Comm 61.70 Certified municipalities and counties.

- (1) **General.** This section establishes the manner under which cities, villages, towns and counties may examine building plans and inspect buildings under s. 101.12 (3) (a), (am), (b) and (g), Stats.
- (2) **Conditions of participation.**
 - (a) Before assuming the responsibilities of examining building plans and providing inspection services, cities, villages, towns and counties shall comply with all of the following:
 - 1. Notify the department, in writing, at least 30 days prior to the date upon which the municipality or county intends to assume the plan examination and building inspection responsibilities.
 - 2. Adopt by ordinance or regulation the responsibilities of plan examination and building inspection.
 - 3. Adopt by ordinance or regulation this code in its entirety.
 - 4. Submit to the department a certified copy of all ordinances or regulations assuming the plan examination and building inspection responsibilities and adopting this code.
 - 5. Employ certified commercial building inspectors to perform the plan examination and building inspection functions.
 - 6. Forward to the department any information requested by the department relative to examination of plans and inspection of buildings.
 - 7. Receive from the department certification to perform plan examination and building inspection.
 - (b) While certified, a municipality or county shall comply with all of the following:
 - 1. Employ certified commercial building inspectors to perform the plan examination and building inspection functions.
 - 2. Forward to the department any information requested by the department relative to examination of plans and inspection of buildings.
 - 3. Notify the department, in writing, at least 30 days prior to the date upon which the municipality or county intends to relinquish the plan examination and building inspection responsibilities.

- (c) Second class cities intending to perform the expanded plan examination and inspection specified in sub. (5) (b) shall comply with pars. (a) 1. to 7. and (b) 3., sub. (7) (b), and all of the following:
 - 1. Employ at least one person who complies with all of the following:
 - a. Is registered under ch. 443, Stats., as an architect or professional engineer.
 - b. Is a certified commercial building inspector.
 - c. Performs or directly supervises the plan examinations specified in sub. (5) (b).
 - 2. Provide a monthly report to the department of all projects completed under this subsection, in an electronic-based format prescribed by the department.
- (d) 1. To assume the building inspection responsibility but not the plan examination responsibility for the buildings and structures specified in sub. (5) (c), a municipality or county shall comply with pars. (a) 1 to 7 and (b) 3, except the plan examination requirements do not apply, and the department may delegate the inspection authority in a written manner other than a certification.
- 2. To assume the building inspection responsibility but not the plan examination responsibility for the buildings and structures that exceed the limits specified in sub. (5) (c), a municipality or county shall comply with subd. 1 and all of the following:
 - a. Obtain authorization for these inspections from the department.
 - b. Use an inspection process that is based on the inspection process used by the department.
 - c. Retain inspection records in a manner that is accessible to the department.
 - d. Forward to the department any information requested by the department relative to the inspection of buildings.
- 3. A municipality or county may waive its jurisdiction for the inspection of a specific project, in which case the department shall conduct the inspection.
- (e) The department may revoke the certification or delegation of authority for any municipality or county where the plan examiners or inspectors do not meet the standards specified by the department or where other requirements of this section are not met.

Note: For any certified municipality or county, the department may review the competency of plan examiners on a regular basis, and review the correspondence and inspection reports, to determine if uniformity in code application decisions is being maintained, and to determine if the standards specified by the department are being met. Regular meetings and correspondence may be maintained between a certified municipality or county and the department in order to discuss and resolve any problems.

(3) Jurisdiction.

(a) Departmental.

- 1. Nothing in this section shall prevent the department from conducting its own investigations or inspections or issuing orders relative to the administration and enforcement of this code.
- 2. The department shall administer and enforce this code in any municipality or county which has not assumed the responsibilities for plan examination and building inspection under sub. (2).

(b) County.

- 1. Ordinances enacted by a county under sub. (2) establishing county plan examination and building inspection functions shall apply to all municipalities within that county which have not assumed those functions pursuant to sub. (2).
- 2. Ordinances enacted by a county under sub. (2) establishing county plan examination and building inspection functions may not prevent or prohibit any municipality within that county from assuming those functions pursuant to sub. (2) at any time.

- (4) **Certification of inspectors.** Inspectors employed by certified municipalities and counties to administer and enforce this code under sub. (2) shall be certified by the department in accordance with ch. Comm 5 as certified commercial building inspectors.

(5) Plan examination.

- (a) **First class cities.** Drawings, specifications and calculations for all the types of buildings and structures specified in s. Comm 61.30, except state-owned buildings and structures, to be constructed within the limits of a first class city shall be submitted to that city, if that city has assumed the responsibilities of plan examination and building inspection in accordance with sub. (2).

- (b) **Second class cities performing expanded plan examination.** Drawings, specifications and calculations for all the types of buildings and structures specified in s. Comm 61.30, except state-owned buildings and structures, to be constructed within the limits of a second class city shall be submitted to either the department or to that city, if that city has assumed the responsibilities of examining those plans and inspecting those buildings and structures in accordance with sub. (2) (c). Second class cities performing these examinations are not subject to the plan examination limits specified in par. (c).

Note: Second class cities may also request approval to perform other additional plan review functions under the appointed-agent process in s. Comm 61.71.

- (c) **Other municipalities and counties.** Drawings, specifications and calculations for all the types of buildings and structures specified in s. Comm 61.30, except state-owned buildings and structures, to be

constructed within the limits of a municipality or county that is not included in pars. (a) and (b) shall be submitted to either the department or to that municipality or county if the municipality or county has assumed the responsibilities of plan examination and building inspection in accordance with sub. (2) and if the plans are for any of the following:

1. A new building or structure containing less than 50,000 cubic feet of total volume.
2. a. An addition to a building or structure where the area of the addition results in the entire building or structure containing less than 50,000 cubic feet of total volume.
b. An addition containing no more than 2,500 square feet of total floor area and no more than one floor level, provided the largest roof span does not exceed 18 feet and the exterior wall height does not exceed 12 feet.
3. An alteration of a space involving less than 100,000 cubic feet of total volume.

(d) Project waiver.

1. A certified municipality or county may waive its jurisdiction for the plan review of a specific project or types of projects, or components thereof, in which case plans and specifications shall be submitted to the department for review and approval.
2. The department may waive its jurisdiction for the plan review of a specific project, where agreed to by a certified municipality or county, in which case plans and specifications shall be submitted to the certified municipality or county for review and approval.

(e) Plan submission procedures.

1. a. A building permit application shall be included with the plan submitted to the municipality or county having jurisdiction for examination.
b. Plans for a building or structure that exceeds the limits specified in par. (c) which are submitted either to a second class city under par. (b) or to an appointed agent under s. Comm 61.61 shall include the department's plan approval application form specified in s. Comm 61.31, unless a municipally supplied form is submitted that includes the owner's, designer's and supervising professional's statements and signatures which are required on the department's form.
2. At least 2 sets of complete building plans and one copy of specifications shall be submitted to the municipality or county having jurisdiction for examination.
3. a. Building plans submitted to a municipality or county for examination shall include the information specified in subd. 3. b. and s. Comm 61.31.

b. Plans that are submitted to a municipality under par. (c) by use of the volumes specified in pars. (c) 1. to 3. shall include calculations showing the total volume.

4. After plans and specifications for a project have been submitted to a municipality or county under this section, or to a department office, any subsequent submittal for the purpose of complying with this code shall be submitted to that same office, except as provided in subds. 6. to 9.
5. Except as provided in subds. 6. to 9., plans and specifications for all components of a project, including but not limited to trusses, precast concrete, laminated wood, or heating, ventilating and air conditioning, shall be submitted to the same office.
6. For an individual building in a multiple-building complex, the submitter may choose whether to submit plans and specifications to a municipality or county having jurisdiction for examination, or to any of the department's offices, even if a previous building in the complex had been reviewed by another office. A subsequent reviewing office may request of the other office complete copies of all pertinent data, including but not limited to petitions, application forms, preliminaries, staff notes and comments. The applicant may be charged a fee to offset the costs of providing these copies. If plans for some of the buildings are submitted to the department and some are submitted to the municipality or county, and then plans for the building components are submitted for all the buildings, the component submitter shall split the submission and submit the plans to the applicable offices.
7. For multiple-tenant or multiple-owner buildings, including but not limited to shopping centers or office buildings, the plans and specifications for the initial tenant or owner in each space, and the alteration plans and specifications for changing a previously approved space may be submitted either to the municipality or county or to a department office, provided the requirements in s. Comm 61.31 (2) (d) are met.
8. Decisions as to whether plans and specifications for building additions may be submitted to offices other than where the previous approvals occurred shall be handled between the municipality or county, department and submitter on a case-by-case basis. These submittals shall comply with s. Comm 61.31 (2) (e).
9. Departmental review of plans and specifications under this subsection does not satisfy any need for municipal review of these plans and specifications for conformance with local requirements adopted under s. Comm 61.03

(4) that are in addition to or more stringent than chs. Comm 61 to 65, 70, and 75 to 79.

(f) Plan approval.

1. If the municipality or county having jurisdiction determines that the plans submitted substantially conform to this code or other ordinances and regulations, an approval shall be issued in accordance with all of the following:
 - a. The plans shall be stamped “CONDITIONALLY APPROVED”, signed and dated by a certified commercial building inspector.
 - b. One set of the conditionally approved plans, and all calculations and correspondence shall be retained in their original form or as readable microfilm- or electronic-based copies for at least 4 years by the municipality or county, and all other approved plans shall be returned to the submitter or their representative.
 - c. A notice of conditional approval shall be provided, in writing, to the submitter and the building owner stating all conditions of approval. A copy of the notice shall be provided to the department of health and family services for health care facilities, and to the department of corrections for jails and places of detention.
2. All non-code-complying and other conditions stated in the conditional approval notice shall be corrected or met before or during construction, and before occupancy of the building.

(g) Denial of plan approval. If the municipality or county determines that the plans submitted do not substantially conform to this code or other legal ordinances and regulations, a denial for plan approval shall be issued in accordance with all of the following:

1. The plans shall be stamped “NOT APPROVED,” signed and dated by a certified commercial building inspector.
2. One set of the not-approved plans shall be retained by the municipality or county and all other plans shall be returned to the submitter or their representative.
3. A notice of the not-approved plans shall be provided in writing, to the submitter and the building owner stating the reasons for the denial.

(h) Liability. A conditional approval of a plan by a municipality or county may not be construed as an

assumption of any responsibility on the part of the municipality, the certified commercial building inspector or the department for the design or construction of the building.

(6) Inspection. Inspections shall be conducted by a municipality or county to ascertain whether or not the construction or installation for buildings and structures conforms to the conditionally approved plans, the notice of conditional approval and this code, in accordance with all of following:

- (a) All inspections, for the purpose of administration and enforcement of this code, shall be performed by a certified commercial building inspector.
- (b) A written report of each inspection shall be prepared. The report shall include the name of the certified commercial building inspector.
- (c) A copy of each inspection report shall be furnished to the owner and plan submitter.
- (d) A copy of each inspection report shall be permanently maintained in the municipal files or county files.
- (e) The inspection report shall indicate all items of non-compliance noted during the inspection.
- (f) If non-complying items are not corrected, orders to correct shall be issued in accordance with local ordinances.

Note: Certified municipalities are authorized to perform the inspections specified in s. Comm 61.51.

(7) Fees.

- (a) Municipalities and counties having jurisdiction of plan examination and building inspection may set by ordinance the fees for plan examination and building inspection services.
- (b) A second class city that is certified to perform the expanded plan examination specified in sub. (5) (b) shall submit to the department the fees specified in s. Comm 2.31 (1) (g).

Note: A list of the municipalities and counties providing plan examination and building inspection under this section is available from the Safety and Buildings Division at P.O. Box 7162, Madison, WI 53707-7162, or at telephone 608/266-3151 and 608/264-8777 (TTY), or at the Safety and Buildings' web site at www.commerce.state.wi.us.

Comm 61.71 Appointed agents.

(1) General. This section establishes the manner under which a city, village, town or county may examine building plans and inspect buildings as an appointed agent for the department relative to s. 101.02 (5) (b), Stats.

(2) Conditions of participation.

- (a) Before assuming any of the department's plan examination or building inspection responsibilities that are not listed in s. Comm 61.70 (5), the applicant shall comply with all of the following:

1. Submit a written request to the department, at least 30 days prior to the date upon which

the applicant desires to assume agent responsibilities for plan examination or building inspection.

2. Include in the request a description of the desired responsibilities, such as plan examination for buildings that are not within the applicant's jurisdiction, or plan examination for building additions or alterations that are beyond the limits specified in s. Comm 61.70 (5) (c).
 3. Include in the request a description of the qualifications the applicant has for assuming the desired responsibilities.
 4. Receive from the department a written statement prescribing the responsibilities that are to be assumed.
- (b) While appointed, an agent shall comply with all of the following:
1. Apply the corresponding requirements in s. Comm 61.70 (5) (d) to (h) and (6).
 2. Submit to the department the fees specified in s. Comm 2.31 (1) (h).
 3. Provide a monthly report to the department of all projects completed under this section, in an electronic-based format prescribed by the department.
 4. Notify the department, in writing, at least 30 days prior to the date upon which the appointed agent intends to relinquish the responsibilities assumed under this section.

- (3) **Revocation.** The department may revoke the appointment of an agent where the plan examiners or inspectors of the agent do not meet the standards specified by the department, or where other requirements of this section are not met.

Note: A list of appointed agents providing plan examination and building inspection under this section is available from the Safety and Buildings Division at P.O. Box 7162, Madison, WI 53707-7162, or at telephone 608/266-3151 and 608/264-8777 (TTY), or at the Safety and Buildings' web site at www.commerce.state.wi.us.

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A-3 ^{d,f}	—	—	2	2	2	2	2	3	2	NP	4	3	2	4	2	2	2	2	2	2	2	2	3	2	1
A-4	—	—	—	2	2	2	2	3	2	NP	4	3	2	4	2	2	2	2	2	2	2	2	3	2	1
A-5	—	—	—	—	2	2	2	3	2	NP	4	3	2	4	2	2	2	2	2	2	2	2	3	2	1
B ^b	—	—	—	—	—	2	2	3	2	NP	2	1	1	1	2	2	2	2	2	2	2	2	3	2	1
E ^e	—	—	—	—	—	—	2	3	2	NP	4	3	2	3	2	2	2	2	2	2	2	2	3	2	1
F-1	—	—	—	—	—	—	—	3	3	NP	2	1	1	1	3	3	3	3	3	3	3	3	3	3	3
F-2	—	—	—	—	—	—	—	—	2	NP	2	1	1	1	2	2	2	2	2	2	2	2	3	2	1
H-1	—	—	—	—	—	—	—	—	—	4	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP
H-2	—	—	—	—	—	—	—	—	—	—	4	1	2	2	4	4	4	4	2	4	4	4	2	2	1
H-3	—	—	—	—	—	—	—	—	—	—	—	3	1	1	4	3	3	3	1	3	3	3	1	1	1
H-4	—	—	—	—	—	—	—	—	—	—	—	—	2	1	4	4	4	4	1	4	4	4	1	1	1
H-5	—	—	—	—	—	—	—	—	—	—	—	—	—	2	4	4	4	3	1	4	4	4	1	1	3
I-1	—	—	—	—	—	—	—	—	—	—	—	—	—	—	2	2	2	2	2	2	2	2	4	3	2
I-2	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	2	2	2	2	2	2	2	3	2	1
I-3	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	2	2	2	2	2	2	3	2	1
I-4	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	2	2	2	2	3	2	2	1
M ^b	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	2	2	2	2	3	2	1
R-1	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	2	2	2	3	2	1
R-2	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	2	2	3	2	1
R-3, R-4	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	2	3	2 ^g	1 ^g
S-1	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	3	3	3
S-2 ^c	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	2	1
U	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	1

For SI: 1 square foot = 0.0929 m².

NP = Not permitted.

a. See Exception 1 to Section 302.3.3 for reductions permitted.

b. Occupancy separation need not be provided for incidental storage areas within Groups B and M if the:

- Area is less than 10 percent of the floor area;
 - Area is provided with an automatic fire-extinguishing system and is less than 3,000 square feet; or
 - Area is less than 1,000 square feet.
- c. Areas used only for private or pleasure vehicles may reduce separation by 1 hour.
- d. Accessory assembly areas are not considered separate occupancies if the floor area is 750 square feet or less.
- e. Assembly uses accessory to Group E are not considered separate occupancies.
- f. Accessory religious educational rooms and religious auditoriums with occupant loads of less than 100 are not considered separate occupancies.
- g. See exception to Section 302.3.3.
- h. Commercial kitchens need not be separated from the restaurant seating areas that they serve.

- A-5** Assembly uses intended for participation in or viewing outdoor activities including, but not limited to:
- Amusement park structures
 - Bleachers
 - Grandstands
 - Stadiums

SECTION 304 BUSINESS GROUP B

304.1 Business Group B. Business Group B occupancy includes, among others, the use of a building or structure, or a portion thereof, for office, professional or service-type transactions, including storage of records and accounts. Business occupancies shall include, but not be limited to, the following:

- Airport traffic control towers
- Animal hospitals, kennels and pounds
- Banks
- Barber and beauty shops
- Car wash
- Civic administration
- Clinic—outpatient
- Dry cleaning and laundries; pick-up and delivery stations and self-service
- Educational occupancies above the 12th grade
- Electronic data processing
- Fire and police stations
- Laboratories; testing and research
- Motor vehicle showrooms
- Post offices
- Print shops
- Professional services (architects, attorneys, dentists, physicians, engineers, etc.)
- Radio and television stations
- Telephone exchanges

SECTION 305 EDUCATIONAL GROUP E

305.1 Educational Group E. Educational Group E occupancy includes, among others, the use of a building or structure, or a portion thereof, by six or more persons at any one time for educational purposes through the 12th grade.

305.2 Day care. The use of a building or structure, or portion thereof, for educational, supervision or personal care services for more than five children older than 2½ years of age, shall be classified as a Group E occupancy.

SECTION 306 FACTORY GROUP F

306.1 Factory Industrial Group F. Factory Industrial Group F occupancy includes, among others, the use of a building or structure, or a portion thereof, for assembling, disassembling, fabricating, finishing, manufacturing, packaging, repair or processing operations that are not classified as a Group H hazardous occupancy.

306.2 Factory Industrial F-1 Moderate-Hazard Occupancy. Factory Industrial uses which are not classified as Fac-

tory Industrial F-2 Low Hazard shall be classified as F-1 Moderate Hazard and shall include, but not be limited to, the following:

- Aircraft
- Appliances
- Athletic equipment
- Automobiles and other motor vehicles
- Bakeries
- Beverages (alcoholic)
- Bicycles
- Boats; building
- Brooms or brushes
- Business machines
- Cameras and photo equipment
- Canvas or similar fabric
- Carpets and rugs (includes cleaning)
- Clothing
- Construction and agricultural machinery
- Disinfectants
- Dry cleaning and dyeing
- Electric light plants and power houses
- Electronics
- Engines (including rebuilding)
- Food processing
- Furniture
- Hemp products
- Jute products
- Laundries
- Leather products
- Machinery
- Metals
- Millwork (sash & door)
- Motion pictures and television filming
- Musical instruments
- Optical goods
- Paper mills or products
- Photographic film
- Plastic products
- Printing or publishing
- Recreational vehicles
- Refuse incineration
- Shoes
- Soaps and detergents
- Textiles
- Tobacco
- Trailers
- Upholstering
- Wood; distillation
- Woodworking (cabinet)

306.3 Factory Industrial F-2 Low-Hazard Occupancy. Factory industrial uses that involve the fabrication or manufacturing of noncombustible materials which during finishing, packing or processing do not involve a significant fire hazard shall be classified as F-2 occupancies and shall include, but not be limited to, the following:

- Beverages (nonalcoholic)
- Brick and masonry
- Ceramic products
- Foundries

Combustible dusts
 Cryogenic liquids, flammable
 Flammable gases
 Organic peroxides, Class I
 Oxidizers, Class 3, that are used or stored in normally open containers or systems, or in closed containers or systems pressurized at more than 15 pounds per square inch gauge (103 kPa).
 Pyrophoric liquids, solids and gases, nondetonable
 Unstable (reactive) materials, Class 3, nondetonable
 Water-reactive materials, Class 3

307.5 Group H-3 structures. Buildings and structures which contain materials that readily support combustion or pose a physical hazard, shall be classified as Group H-3. Such materials shall include but not be limited to:

Class I, II or IIIA flammable or combustible liquids that are used or stored in normally closed containers or systems pressurized at less than 15 pounds per square inch gauge (103 kPa).
 Combustible fibers
 Consumer fireworks, 1.4G (Class C, Common)
 Cryogenic liquids, oxidizing
 Flammable solids
 Organic peroxides, Class II and Class III
 Oxidizers, Class 1 and Class 2
 Oxidizers, Class 3, that are used or stored in normally closed containers or systems pressurized at less than 15 pounds per square inch gauge (103 kPa)
 Oxidizing gases
 Unstable (reactive) materials, Class 2
 Water-reactive materials, Class 2

307.6 Group H-4 structures. Buildings and structures which contain materials that are health hazards shall be classified as Group H-4. Such materials shall include, but not be limited to:

Corrosives
 Highly toxic materials
 Toxic materials

307.7 Group H-5 structures. Semiconductor fabrication facilities and comparable research and development areas in which hazardous production materials (HPM) are used and the aggregate quantity of materials is in excess of those listed in Tables 307.7(1) and 307.7(2). Such facilities and areas shall be designed and constructed in accordance with Section 415.9.

307.8 Multiple hazards. Buildings and structures containing a material or materials representing hazards that are classified in one or more of Groups H-1, H-2, H-3 and H-4 shall conform to the code requirements for each of the occupancies so classified.

307.9 Exceptions: The following shall not be classified in Group H, but shall be classified in the occupancy which they most nearly resemble. Hazardous materials in any quantity shall conform to the requirements of this code, including Section 414, and the *International Fire Code*.

1. Buildings and structures that contain not more than the maximum allowable quantities per control area of haz-

ardous materials as shown in Tables 307.7(1) and 307.7(2) provided that such buildings are maintained in accordance with the *International Fire Code*.

2. Buildings utilizing control areas in accordance with Section 414.2 that contain not more than the maximum allowable quantities per control area of hazardous materials as shown in Tables 307.7(1) and 307.7(2).
3. Buildings and structures occupied for the application of flammable finishes, provided that such buildings or areas conform to the requirements of Section 416 and NFPA 33, NFPA 34 and the *International Fire Code*.
4. Wholesale and retail sales and storage of flammable and combustible liquids in mercantile occupancies conforming to NFPA 30 and the *International Fire Code*.
5. Closed systems housing flammable or combustible liquids or gases utilized for the operation of machinery or equipment.
6. Cleaning establishments that utilize combustible liquid solvents having a flash point of 140°F (60°C) or higher in closed systems employing equipment listed by an approved testing agency, provided that this occupancy is separated from all other areas of the building by 1-hour fire-resistance-rated fire barrier walls or horizontal assemblies or both.
7. Cleaning establishments which utilize a liquid solvent having a flash point at or above 200°F (93°C).
8. Liquor stores and distributors without bulk storage.
9. Refrigeration systems.
10. The storage or utilization of materials for agricultural purposes on the premises.
11. Stationary batteries utilized for facility emergency power, uninterrupted power supply or telecommunication facilities provided that the batteries are provided with safety venting caps and ventilation is provided in accordance with the *International Mechanical Code*.
12. Corrosives shall not include personal or household products in their original packaging used in retail display or commonly used building materials.
13. Buildings and structures occupied for aerosol manufacturing or storage shall be classified as Group F-1 or S-1, provided that such buildings conform to the requirements of NFPA 30B and the *International Fire Code*.
14. Display and storage of nonflammable solid and nonflammable or noncombustible liquid hazardous materials in quantities not exceeding the maximum allowable quantity per control area in Group M or S occupancies complying with Section 414.2.4.
15. The storage of black powder, smokeless propellant and small arms primers in Groups M and R-3 and special industrial explosive devices in Groups B, F, M and S, provided such storage conforms to the quantity limits and requirements prescribed in the *International Fire Code*.

[F] TABLE 307.7(1)
MAXIMUM ALLOWABLE QUANTITY PER CONTROL AREA OF HAZARDOUS MATERIALS POSING A PHYSICAL HAZARD^{a,i}

MATERIAL	CLASS	GROUP WHEN THE MAXIMUM ALLOWABLE QUANTITY IS EXCEEDED	STORAGE ^b			USE-CLOSED SYSTEMS ^b			USE-OPEN SYSTEMS ^b	
			Solid pounds (cubic feet)	Liquid gallons (pounds)	Gas (cubic feet)	Solid pounds (cubic feet)	Liquid gallons (pounds)	Gas (cubic feet)	Solid pounds (cubic feet)	Liquid gallons (pounds)
Combustible liquid ^{c,i}	II	H-2 or H-3	N/A	120 ^{d,e}	N/A	N/A	N/A	N/A	N/A	30 ^d
	IIIA	H-2 or H-3		330 ^{d,e}						80 ^d
	IIIB			13,200 ^{e,f}						3,300 ^f
Combustible fiber	Loose baled	H-3	(100) (1,000)	N/A	N/A	N/A	(100) (1,000)	N/A	(20) (200)	N/A
Consumer fireworks (Class C, Common)	1.4G	H-3	125 ^{d,e,l}	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Cryogenics flammable		H-2	N/A	45 ^d	N/A	N/A	N/A	N/A	N/A	10 ^d
Cryogenics, oxidizing	N/A	H-3	N/A	45 ^d	N/A	N/A	N/A	N/A	N/A	10 ^d
Explosives		H-1	1 ^{e,g}	(1) ^{e,g}	N/A	N/A	0.25 ^g	(0.25) ^g	0.25 ^g	(0.25) ^g
Flammable gas	Gaseous liquefied	H-2	N/A	N/A 30 ^{d,e}	1,000 ^{d,e} N/A	N/A	N/A	1,000 ^{d,e} N/A	N/A	N/A
Flammable liquid ^c	1A 1B 1C	H-2 or H-3	N/A	30 ^{d,e} 60 ^{d,e} 90 ^{d,e}	N/A	N/A	N/A	N/A	N/A	10 ^d 15 ^d 20 ^d
Combination flammable liquid (1A, 1B, 1C)		H-2 or H-3	N/A	120 ^{d,e,h}	N/A	N/A	N/A	N/A	N/A	30 ^{d,h}
Flammable solid		H-3	125 ^{d,e}	N/A	N/A	N/A	125 ^d	N/A	25 ^d	N/A
Organic peroxide	UD	H-1	1 ^{e,f}	(1) ^{e,g}	N/A	N/A	0.25 ^g	N/A	0.25 ^g	(0.25) ^g
	I	H-2	5 ^{d,e}	(5) ^{d,e}	N/A	N/A	1 ^d	(1) ^d	1 ^d	(1) ^d
	II	H-3	50 ^{d,e}	(50) ^{d,e}	N/A	N/A	50 ^d	(50) ^d	10 ^d	(10) ^d
	III	H-3	125 ^{d,e}	(125) ^{d,e}	N/A	N/A	125 ^d	(125) ^d	25 ^d	(25) ^d
	IV V	NL NL	NL NL	NL NL	N/A N/A	N/A N/A	N/A N/A	N/L N/L	NL NL	NL NL
Oxidizer	4	H-1	1 ^{e,g}	(1) ^{e,g}	N/A	N/A	0.25 ^g	(0.25) ^g	N/A	(0.25) ^g
	3 ^k	H-2	10 ^{d,e}	(10) ^{d,e}	N/A	N/A	2 ^d	(2) ^d	2 ^d	(2) ^d
	2	H-3	250 ^{d,e}	(250) ^{d,e}	N/A	N/A	250 ^d	(250) ^d	50 ^d	(50) ^d
Oxidizing gas	1	H-3	4,000 ^{d,e}	(4,000) ^{d,e}	N/A	N/A	4,000 ^d	(4,000) ^d	1,000 ^d	(1,000) ^d
	Gaseous liquefied	H-3	N/A N/A	N/A 15 ^{d,e}	1,500 ^{d,e} N/A	N/A N/A	N/A N/A	1,500 ^{d,e} N/A	N/A N/A	N/A N/A

(continued)